



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

October 15, 2010

MEMO

TO: Interested Parties

FROM: Ian McMillan

RE: Public Notice and request for comments

1. Proposed Neuse Riparian Buffer and Nutrient Offset Umbrella Bank

The purpose of this memo is to inform you of Earthmark North Carolina, LLC's (formerly Mid-Atlantic Mitigation, LLC) proposal to develop a riparian buffer and nutrient offset banking parcel under their Cape Fear Basin Riparian Buffer and Nutrient Mitigation Umbrella Bank. The Umbrella Mitigation Banking Instrument was signed by the Director on October 2, 2009.

Earthmark North Carolina, LLC has submitted a Bank Parcel Development Package for the Ivey-Ferguson Buffer/Nutrient Offset Site, which is located near the intersection of Carl Durham Road and Old Greensboro Road in Orange County, North Carolina. This bank parcel will be used to generate 11.8 acres of nitrogen offset credit through the planting of vegetated buffers along former field ditches and streams which drain to Phils Creek in the Upper New Hope Arm of the B. Everett Jordan Lake watershed (14-digit USGS HUC: 03030002060070). Nutrient offset credits generated at this site can be used to satisfy mitigation requirements for projects located within the B. Everett Jordan Lake watershed.

The Earthmark Ivey-Ferguson Nutrient Offset Bank Parcel Development Package can be found at the following link: <http://portal.ncdenr.org/web/wq/swp/ws/401/publicnotices>. Questions regarding this proposed bank can be directed to Lia Gilleski at 919-733-9502 or in writing to Lia.M.Gilleski@ncdenr.gov or 2321 Crabtree Blvd., Suite 250, Raleigh, NC 27606 by close of business (5:00 p.m. on November 15, 2010) Comments received will be taken into consideration during preparation and approval of the final Bank Parcel Development Plan.

2. Draft Consolidated Riparian Buffer Rule and Draft Consolidated Riparian Buffer Mitigation Rule

The Division of Water Quality is proposing to consolidate several existing Riparian Buffer Rules into one set of Protection and Maintenance of Existing Riparian Buffer Rules (.0290-.0294). The existing riparian buffer rules to be consolidated include:

- Neuse (15A NCAC 2B .0233),
- Randleman Lake (15A NCAC 2B .0250),
- Tar-Pamlico (15A NCAC 2B .0259), and
- Jordan Lake (15A NCAC 2B .0267).

The purpose of this consolidation is to make the utilization of these rules easier, incorporate clarification memos, and to provide consistency among the current Rules. The mitigation rules associated with each of the above-mentioned buffer rules are being consolidated elsewhere as 15A NCAC 2B. 0295.

The draft consolidated buffer rules and the draft consolidated buffer mitigation rules will be presented to the Water Quality Committee of the Environmental Management Commission on November 17, 2010.

3. **Buffer Clarification Memos**

Buffer Clarification Memo #2010-001: Wetlands within the protected riparian buffer zones shall be included when considering impacts to the protected riparian buffer zones and when determining whether buffer mitigation is required.

Buffer Clarification Memo #2010-002: Division of Water Quality's (DWQ's) stance on what is considered a new conveyance and what modifications are allowed to an existing conveyance before it is considered a new conveyance through the protected riparian buffers.

Buffer Clarification Memo #2010-003: DWQ's stance on what is considered a parallel verses a perpendicular road impact.

Buffer Clarification Memo #2010-004: When DWQ might require an additional Secondary and Cumulative Impact assessment report for applicants seeking a 401 Water Quality Certification for activities within the Randleman Lake watershed.

Buffer Clarification Memo #2010-005: DWQ's stance on what is considered a bridge impact and what is considered a road crossing impact per the riparian buffer rules.

Buffer Clarification Memo #2010-006: DWQ's clarification of Session Law 2009-484(6)(g) as to which map should be used to determine applicability to the Jordan Buffer Rules (15A NCAC 2B. 0267).

These clarification memos can be viewed on the DWQ's Riparian Buffer website:
<http://portal.ncdenr.org/web/wq/swp/ws/401/riparianbuffers>

Cc: DWQ Regional Wetland Contacts
Cyndi Karoly
Matt Matthews
Chuck Wakild
Coleen Sullins